

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SUE A. MENDOZA,

Plaintiff,

vs

6:06-CV-1233

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

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SUZANNE M. HAYNES, ESQ.
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DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff filed this action in October 2006, pursuant to 43 U.S.C. § 405(g), seeking judicial review of the Commissioner's denial of her application for disability insurance and supplemental security income benefits under the Social Security Act. By Report-

Recommendation dated October 23, 2008, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendant's motion for judgment on the pleadings be granted, the Commissioner's determination of no disability be affirmed, and plaintiff's complaint be dismissed in all respects.

Based upon a careful review of the entire file and the recommendation of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

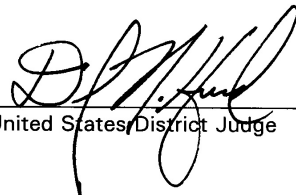
ORDERED that

1. Defendant's motion for judgment on the pleadings is GRANTED:
2. The Commissioner's determination of no disability is AFFIRMED; and
3. The plaintiff's complaint is DISMISSED in its entirety.

The Clerk is directed to file judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: November 20, 2008
Utica, New York.


United States District Judge